

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE  
N/S Kavanagh Road, 40 ft. W of  
C/O Codd Avenue  
8020 Kavanagh Road  
12th Election District  
7th Councilmanic District  
David F. Kelly, Jr., et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE No. 93-6-A

ORDER OF DISMISSAL

The Petitioners herein filed a Petition for an Administrative Variance from Section 1802.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 15 ft. front yard setback, in lieu of required 21 ft., for an open porch at the above captioned property; and,

WHEREAS, the closing date for the Administrative Variance was August 10, 1992; and,

WHEREAS, subsequent to the filing of said Petition, it was determined that the aforementioned open porch had been constructed, in accordance with the current building regulations, pursuant to a properly issued building permit; and,

WHEREAS, the property owners have decided to withdraw their Petition in view of said permit.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 22<sup>nd</sup> day of August 1992 that the Petition for Administrative Variance, in the above captioned case, be and the same is hereby DISMISSED without prejudice.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER OF  
BALTIMORE COUNTY

Baltimore County Government  
Zoning Administration  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 26, 1992

Mr. and Mrs. David F. Kelly, Jr.  
8020 Kavanagh Road  
Baltimore, Maryland 21222

RE: Case No. 93-6-A  
Petition for Administrative Variance

Dear Mr and Mrs. Kelly:

Attached hereto is an Order of Dismissal regarding the above captioned matter.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.

VIOLATION



Petition for Administrative Variance  
to the Zoning Commissioner of Baltimore County

for the property located at 8020 KAVANAGH ROAD  
which is presently zoned D.R.10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3 (Sec. X.A.1., 1945 Reg.) to permit a 15-foot front yard setback in lieu of 21 feet for an open projection (porch).

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)  
When the plat was recorded, the building was set back 30 feet instead of the required 25 feet, which would have allowed a 16-foot setback. Since the building setback is 30 feet, his required setback is 21 feet, including steps. Additionally, a permit was obtained from a branch office of Baltimore County and the porch was built in compliance with the permit. The owner's intentions were to comply with all regulations. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zipcode

Phone No.

Name

Address

City

State

Zipcode

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 22<sup>nd</sup> day of August 1992, that the subject matter of this petition be set for a public hearing, advertised, on or before the 22<sup>nd</sup> day of August 1992, at 10:00 AM, at the Zoning Commission Hearing Room, 400 Washington Avenue, Baltimore, Maryland 21204, and that the property be posted.

REMOVED BY: 10 DATE

ESTIMATED POSTING DATE 7/26

ITEM #:

Affidavit in support of  
Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) reside(s) presently at 8020 KAVANAGH RD

City Baltimore State MD Zipcode 21222

That based upon personal knowledge, the following are the facts upon which I/we have the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

When the plat was recorded, the building was set back 30 feet instead of the required 25 feet, which would have allowed a 16-foot setback. Since the building setback is 30 feet, his required setback is 21 feet, including steps. Additionally, a permit was obtained from a branch office of Baltimore County and the porch was built in compliance with the permit. The owner's intentions were to comply with all regulations.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a repaving and advertising fee and may be required to provide additional information.

Signature of Affiant(s) David F. Kelly Jr. Signature of Affiant(s) Frances Kelly

(Type or Print Name) (Type or Print Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22<sup>nd</sup> day of August 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Frances Kelly

(Type or Print Name)

The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/his knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7/22/92

NOTARY PUBLIC

My Commission Expires 7/1/93

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 12th Date of Posting 7/23/92

Posted for: Variance

Petitioner: David F. Kelly Jr.

Location of property: N/S Kavanagh Rd, 40' W of Codd Ave.

Location of Sign: Along roadway on property of Petitioner

Remarks:

Posted by: M. Kelly

Number of Signs: 1

Date of return: 7/24/92

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date 7/19/92

8020 KAVANAGH RD

RESIDENTIAL VARIANCE

POSTING

N/S Kavanagh Rd 40' W of Codd Ave

50

35

85.00

DA04 800971CHIC  
ON C02 104PH07-07-92  
Please Make Checks Payable To: Baltimore County

receipt

Account: R-001-4150  
Number

7/27/92 H930013 Item 10.

PUBLIC HEARING FEES	QTY	PRICE
010 - ZONING VARIANCE (IRL)	1 X	\$50.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$35.00
TOTAL:		\$85.00

LAST NAME OF OWNER: KELLY, JR.

Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 31, 1992

Mr. Mike Sexton  
8014 Kavanagh Road  
Baltimore, Maryland 21222

Re: Case No. C-92-2636  
8020 Kavanagh Road  
12th Election District

Dear Mr. Sexton:

Please be advised that this office has investigated your complaint concerning the above-referenced location. The permit in question was found to have been issued in accordance with the current regulations. Therefore, the variance will be withdrawn and this office will be taking no further action.

Sincerely,

Inspector Wasilewski  
Zoning Enforcement Office

LW/cmm

c: File

Three copies of the zoning description of your property are required. Type or print this description, standard 8-1/2" x 11" sheets are acceptable. Most property descriptions, as stated on a deed, do not have adequate information. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 8020 KAVANAGH RD  
(address)

Beginning at a point on the NORTH side of KAVANAGH RD  
(north, south, east or west) (name of street)

which is 60' wide. (number of feet of right-of-way width)

street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 90' WEST of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Codd Ave  
(name of street)

which is 60' wide. \*Being Lot # 11.  
(number of feet of right-of-way width)

Block H, Section # 2 in the subdivision of WEST INVERNESS  
(name of subdivision)

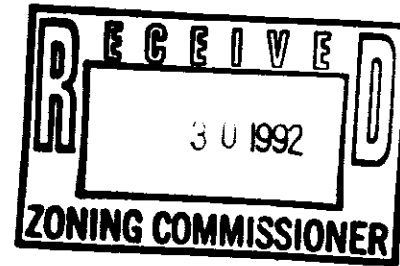
as recorded in Baltimore County Plat Book # 19, Folio # 8, containing  
1,603 square feet of land. Also known as 8020 KAVANAGH RD  
(square feet of land) (property address)

and located in the 12 Election District, 7 Councilmanic District.

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the lot, block and subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_\_, Folio \_\_\_\_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

Mr. Lawrence Schmidt  
Zoning Commissioner  
700 Washington  
Old Court House Rm 112  
Towson, Md. 21204



Re. Case # 93-6-A

Dear Mr. Schmidt,

We have chosen to write in opposition of the porch built at 8020 Kavanagh Rd. It is our opinion that the porch is oversized, too high, too wide and too deep. It does not conform to that of the other row homes in our neighborhood.

There are numerous deck type porches being built in our area but they have all been built to scale with the other porches. If these that are covered must have been finished with aluminum siding on the sides of the porch roof. This porch at 8020 Kavanagh Road is unfinished in appearance as the sides of the roof are raw plywood-not even painted! Their porch sits approximately 1 1/2 feet higher and 2 1/2 deeper than any other porch in our neighborhood. The porch roof built up under the upstairs windows where everyone else's roofs of their porches begins 2 1/2 feet below the upstairs windows.

If this porch size is allowed to stand it will ruin the uniformity of the neighborhood which has existed since the neighborhood was formed.

Granted our neighborhood is older and in order to preserve its beauty some unity of style must remain.

We used to be able to watch our children walk up the main walk from school but the depth of this porch now blocks our view and we must walk to the edge of the porch to see down the block. A normal sized porch would not block this view.

The porch at 8020 Kavanagh Road looks like a back yard deck on the front of a house-not a front porch.

Sincerely,

Mr. & Mrs. Michael D. Lippin  
8014 Kavanagh Rd.  
East Md. 21222

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT OF PERMITS AND LICENSES  
TOWSON, MARYLAND 21204  
BUILDING PERMIT

PERMIT #: B128807 CONTROL #: MR DIST: 12 PREC: 13  
DATE ISSUED: 05/07/92 TAX ACCOUNT #: 1204000850 CLASS: 04

PLANS: CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC NO PLUM NO  
LOCATION: 8020 KAVANAGH RD  
SUBDIVISION: WEST INVERNESS

OWNERS INFORMATION  
NAME: KELLY, DAVID AND FRANCES  
ADDR: 8020 KAVANAGH RD - 21222

TENANT: OWNER  
CONTR: OWNER  
ENGAR: OWNER  
SELLR: OWNER

WORK: CONSTRUCT WOODEN PORCH WITH WOODEN ROOF  
14'X11'X14'=154 SF-ROOF, 14'X11'X3'=154 SF  
TO REMAIN OPEN.  
NOT IN CRITICAL AREA  
DUNDALK/OPC

BLDG. CODE: BOCA CODE  
RESIDENTIAL CATEGORY: GROUP OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SFTH/ADDITION  
1300.00 EXISTING USE: SFTH

TYPE OF IMPRV: ADDITION  
USE: ONE FAMILY  
FOUNDATION: BASEMENT: WATER: PUBLIC EXIST  
SEWAGE: PUBLIC EXIST

LOT SIZE AND SETBACKS  
SIZE: 0146/000X100/000  
FRONT STREET: 20'  
SIDE STREET: 11'11'  
FRONT SETB: 20'  
SIDE SETB: 11'11'  
REAR SETB: N/C

**936-A**

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

DAVID AND FRANCES KELLY  
8020 KAVANAGH ROAD  
BALTIMORE, MARYLAND 21222

Re: CASE NUMBER: 93-6-A  
LOCATION: 8020 Kavanagh Road, 40' W of c/l Cobb Avenue  
12th Election District - 7th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffirmation regarding the administrative process.

1) Your property will be posted on or before July 26, 1992. The closing date is August 10, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be posted and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner, Baltimore County

**BALTIMORE COUNTY, MARYLAND**  
DEPARTMENT ORDER FOR DIRECT PAYMENT

DATE: August 3, 1992

NAME AND ADDRESS	DESCRIPTION	AMOUNT
David F. Kelly, Jr. 8020 Kavanagh Road Baltimore, Maryland 21222	Zoning Variance Fee Refund Case No. 93-6-A David F. & Frances Kelly- Petitioners	\$85.00 VENDOR SOCIAL SECURITY# ACCOUNTING PERIOD M M Y Y

TYPE CODE MSBE REVERSE: 20 NEW VENDOR FEDERAL ID. #

LINE	DESCRIPTION	QTY	UNIT	PRICE	AMOUNT
01	001 012 1202			6150	\$85.00

REQUESTED BY: Office of Zoning Administration and Development Management MSB 1105  
NAME OF AGENT OR DEPARTMENT

APPROVED FOR PAYMENT: *Stella R. Lowery*  
Stella R. Lowery  
August 3, 1992

White Copy - To Finance Office  
Green Copy - For Purchasing Department  
Yellow Copy - For Department's File

**Plat to accompany Petition for Zoning Variance Special Hearing**

PROPERTY ADDRESS: 8020 KAVANAGH  
Subdivision name: WEST INVERNESS  
plot books 19, folios 8, 10, 11, section 4 H

OWNER: KELLY, DAVID JR & FRANCES

LOCATION INFORMATION  
Councilmanic District: 7  
Election District: 12  
1"=200' scale map: SE 4 F  
Zoning: DR 10.5  
Lot size: 1603 square feet

SEWER: ☐  
WATER: ☐  
Chesapeake Bay Critical Area: ☐  
Prior Zoning Hearings: ☐

Zoning Office USE ONLY  
reviewed by: ITEM #: CASE#: LG

North  
date: 7-9-92  
prepared by: Scale of Drawing: 1"= 20'

**936-A**





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	DUNDALK	S. E.
DATE OF PHOTOGRAPHY JANUARY 1986		4-F